

Reconsideration
#6/ 7/9/01
N. Brewster



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re PATENT APPLICATION of:

JUL - 5 2001

PHIL TRIGIANI

TECHNOLOGY CENTER R370

Appln. No.: 09/803,690

Group Art Unit: 3751

Filed: March 12, 2001

Examiner: J. Jacyna

For: APPARATUS FOR DETECTING LEAKS IN A PRESSURIZED AIR
CONDITIONING OR REFRIGERATION SYSTEM

* * * * *

June 19, 2001

RESPONSE TO OFFICIAL ACTION OF MAY 7, 2001

Assistant Commissioner
for Patents
Washington, DC 20231

Sir:

This submission is in response to the Official Action of
May 7, 2001. Kindly consider the following remarks.

REMARKS

Claims 13-17 are presently pending in this application
and stand rejected.

06/27/2001 BABRAM1 00000058 09803690

~~01 FC:215~~

~~55.00 GP~~

Void date: 06/27/2001 BABRAM1
06/27/2001 BABRAM1 00000058 09803690
~~01 FC:215~~ ~~55.00 UP~~



TRIGIANI -- U.S. PATENT APPLICATION 09/803,690

REJECTIONS UNDER 35 USC 101

On page 2, in numbered paragraph 2, of the Official Action, the Examiner rejects claims 13-17 under 35 USC 101 as claiming the same invention as that of claims 1-5 of prior U.S. Patent 6,186,197. More specifically, the Examiner states:

The only difference between claims 13-17 and patent claims 1-5 is on lines 10-13 of claim 13 which call for the fluid to be "selected from the group consisting of a lubricant, a fluid dye....and combinations thereof" wherein patent claim 1 (see col. 6, lines 28-29) uses the wording "said fluid comprises a lubricant and a fluid dye". One of ordinary skill in the art would have understood either phrase to include various mixtures of lubricants and fluid dyes for refrigeration systems wherein there is no patentable distinction in the different wording.

This rejection is respectfully traversed. On May 15, 2001, Applicant's legal representative and the Examiner discussed the rejection in a telephone conversation. Applicant's legal representative explained that U.S. Patent 6,186,197 (Trigiani) claimed a fluid comprising a lubricant and a fluid dye. The present U.S. patent application is claiming a fluid comprising a lubricant, a dye or a combination thereof. The Examiner agreed that the language of the present patent application is broader than that of the patent. However, the Examiner stated that he would now

TRIGIANI -- U.S. PATENT APPLICATION 09/803,690

require submission of a Terminal Disclaimer over U.S. Patent 6,186,197 to overcome the rejection. Accordingly, Applicant is submitting herewith a Terminal Disclaimer over U.S. Patent 6,186,197.

In view of the above-given explanation and the attached Terminal Disclaimer, it is respectfully requested that this rejection be withdrawn and that claims 13-17 be allowed.

The sole rejection having been addressed, it is respectfully submitted that the present application is condition for allowance and a Notice to that effect is earnestly solicited.

Should any matters remain in this application which might be resolved by interview, the Examiners is requested to telephone the undersigned at 570-386-5744.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

By:



Dante J. Picciano
Reg. No. 33,543

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GP 3751

AMENDMENT TRANSMITTAL LETTER (Small Entity)			Docket No. 0111084/044	
Applicant(s): Phil Trigiani				
Serial No. 09/803,690	Filing Date March 12, 2001	Examiner J. Jacyna	Group Art Unit 3751	

Invention:

APPARATUS FOR DETECTING LEAKS IN A PRESSURIZED AIR CONDITIONING OR REFRIGERATION SYSTEM

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TO THE ASSISTANT COMMISSIONER FOR PATENTS: **TECHNOLOGY CENTER R3700**

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.

☐ A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	5	20 =	0 x	\$9.00	\$0.00
INDEP CLAIMS	1	3 =	0 x	\$40.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

☐ No additional fee is required for amendment.

☐ Please charge Deposit Account No. _____ in the amount of _____

☐ A duplicate copy of this sheet is enclosed.

☒ A check in the amount of **\$55.00** to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **02-1818**

☐ A duplicate copy of this sheet is enclosed.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

Dante J. Picciano
Reg. No. 33,543

Dated: **June 19, 2001**

I certify that this document and fee is being deposited on **June 19, 2001** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Robert J. Buccieri

Typed or Printed Name of Person Mailing Correspondence